WP 948/05 A1

(4)

WP 8927/03

OA 1142/94 (J)

IN THE M.P. STATE ADMINISTRATIVE TRIBUNAL
JABALPUR BENCH

Application Under Section 19 of the Administrative Tribunals Act, 1985

O.A. No. 1142 /1994

BETWEEN

1/ Bharat Lal Sinha S/O Akarblal Sinha,
Forest Guard, Samanya Van Mandal
Rajnandgaon (M.P.)

2/ Ramanuj Patel S/O Balmik Patel,
Forest Guard, Samajik Vaniki,
Van Mandal, Rajnandgaon (M.P.)

3/ Banwarilal Krishak S/O Budhulal Krishak,
Forest Guard, Samany Van Mandal,
Rajnandgaon (M.P.)

4/ Kamal Narain Sahu S/O Kashi Ram Sahu,
Forest Guard, Samany Van Mandal,
Rajnandgaon (M.P.)

5/ Makhanlal Bajare S/O Ratan Singh Barjjare,
Forest Guard, Van Mandal,
Kawardha (Rajnandgaon) M.P.

6/ Ram Prasad Yadav S/O Rameshwar Prasad Yadav,
Forest Guard, Van Mandal,
Kawardha (Rajnandgaon) M.P.

7/ Chamroo Ram Madhriya S/O Bishram Madhriya,
Forest Guard, Samajik Van Mandal,
Rajnandgaon (M.P.)

8/ Rameshwar Lal Sahu s/o Baldu Ram Sahu,
Forest guard, Van Mandal,
Kawardha (Rajnandgaon) M.P.

9/ Shambhu Prasad Vishwakarma s/o
Forest Guard, Van Mandal,
Kawardha (Rajnandgaon) M.P.

10/ Radhey Shyam Agrawal S/O Tulsi Prasad Agrawal,
Forest Guard, Samajik Van Mandal,
Rajnandgaon (M.P.)

..... APPLICANTS

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A N D

1/ The State of Madhya Pradesh, through
The Secretary to Govt. of Madhya Pradesh,
Forest Department,
BHOPAL (M.P.)

2/ The Chief Conservator of Forests,
Madhya Pradesh,
Satpuda Bhawan,
BHOPAL (M.P.)

(80)

HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

Single Bench : Hon'ble Shri Satish K. Agnihotri, J.

W. P.(S) No. 948 of 2005

Petitioners Bharat Lal Sinha & others

Versus

Respondents State of M.P. (Now Chhattisgarh) and others.

Shri Parag Kotecha, counsel for the petitioners.
Shri V.V.S. Murthy, Dy. A.G. with Shri Arvind Dubey, Panel Lawyer for the State/respondents.

ORDER

(08th January, 2007)

By this petition, the petitioners have impugned the order dated 07.01.1989 whereby names of the petitioners for proceeding to training were withdrawn.

(2). The indisputable facts in the present case are that the petitioners were appointed as Forest Guards by order dated 12.12.1988. The petitioners along with six other Forest Guards, while undergoing training by order dated 07.01.1989(Annexure- A/1) were relieved from training institute without any notice. Out of sixteen persons, six persons have approach the M.P. Administrative Tribunal, Jabalpur by filing O.A. No.403 of 1989. The Tribunal, after having heard both the parties, by order dated 02.05.1989 allowed the application filed by other similarly situated six persons. Remaining ten Forest Guards i.e. the petitioners herein, according to them, were posted at an interior place and they were not given any information with regard to the application filed before the Tribunal seeking for quashing of the order dated 07.01.1989. The petitioners have filed this petition before the State Administrative Tribunal being O.A. No.1142 of 1994. On dissolution of the Tribunal, this petition has been transferred to this Court and renumbered as W.P. No.948 of 2005.

(3). Be that as it may, since the order dated 07.01.1989 (Annexure A-1) was passed in respect of all the sixteen Forest Guards and the said order itself was in consideration before the Tribunal and the same has been quashed by the Tribunal by order dated 02.05.1989 in O.A. No.403 of 1989, the petitioners herein are also entitled to the same benefits. The order dated 02.05.1989 passed by the Tribunal has not been challenged before any other Court. Thus, the same has attained finality.

(4). Having regard to the facts and circumstances of the case and the fact that when the present petitioners and the applicants in O.A. No.403 of 1989 are similarly situated and they have been aggrieved by the same order, which stood quashed by order dated 02.05.1989 in O.A. No.403 of 1989, this petition is allowed in terms of the order dated 02.05.1989, passed in O.A. No.403 of 1989. The petitioners are also entitled to the same reliefs as granted to the applicants in O.A. No.403 of 1989 flowing from quashing of the impugned order dated 07.01.1989.

Sd/-
Satish K. Agnihotri
Judge